

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Kenneth Davon Lewis,

Defendant.

**ORDER**

Criminal No. 18-194 ADM/DTS

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Thomas Calhoun-Lopez, Assistant United States Attorney, United States Attorney's Office,  
Minneapolis, MN, on behalf of Plaintiff.

Kevin C. Riach, Esq., Fredrikson & Byron, P.A., Minneapolis, MN, on behalf of Defendant.

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This matter is before the undersigned United States District Judge for a ruling on Defendant Kenneth Davon Lewis' ("Lewis") Objection [Docket No. 40] to Magistrate Judge David T. Schultz's December 7, 2018 Report and Recommendation [Docket No. 36] ("R&R"). In the R&R, Judge Schultz recommends denying Lewis' Motion to Suppress Statements [Docket No. 16].

In reviewing a magistrate judge's report and recommendation, the district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C); see also D. Minn. L.R. 72.2(b). A district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." Id.

After de novo review, the Court agrees with the reasoning in the R&R and the conclusion that Lewis did not invoke his right to remain silent when he told detectives "I'm done talking," because immediately after uttering those words he continued to talk, uninterrupted, to the

detectives.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS**  
**HEREBY ORDERED** that:

1. Defendant Kenneth Davon Lewis' Objection [Docket No. 40] to Magistrate Judge David T. Schultz's December 7, 2018 Report and Recommendation is  
**OVERRULED;**
2. The Report and Recommendation [Docket No. 36] is **ADOPTED;** and
3. Lewis' Motion to Suppress Statements [Docket No. 16] is **DENIED.**

BY THE COURT:

s/Ann D. Montgomery  
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: January 10, 2019.